

Dia:

RRR000652

January 7, 2007

VIA FACSIMILE: 1.800.967.0739

Mr. M. Lee Bishop
Office of Logistics Management
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, NV 89134

Dear Mr. Bishop,

On behalf of Dia Art Foundation, herewith is a comment on the Department of Energy's (DOE) "Draft Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada DOE/EIS-0369D."

[As stated in previously submitted comments to DOE, Dia adamantly objects to the selection of the Caliente Rail Corridor as a transportation route to Yucca Mountain. The proposed rail line runs directly through Garden Valley, a pristine natural landscape where acclaimed artist Michael Heizer is building the monumental artwork, *City*. In process for over 30 years, *City* is internationally renowned for its artistic stature and significance, as well as its inextricable connection to the majestic natural landscape which surrounds it.

✓ Construction and operation of any Garden Valley rail route, and particularly the preferred Garden Valley Alternate 1 which lies less than 1-1/2 miles from *City*, will have unacceptable visual and aural impacts on *City*, and impart profound ecological damage to the delicate desert environment. These impacts cannot be mitigated: the rail line will permanently debase this important American resource, and undercut future cultural and economic opportunity for both Lincoln County and the State of Nevada.

Dia is disappointed that our concerns have been overlooked by the recommendation made in this Draft EIS. The preference of Garden Valley Alternate 1 disregards the extraordinary cultural significance of *City*, internationally lauded even in its unfinished state, and we urge DOE to revisit other options.]

Sincerely,



Jeffrey Weiss
Director